

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

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|----------------------|---|-------------------------|
| IN RE COMPLIANCE |) | PDC CASE NO: #00-877 |
| WITH RCW 42.17 |) | |
| |) | REPORT OF INVESTIGATION |
| KENT SCHOOL DISTRICT |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

I.

BACKGROUND

- 1.1 On January 27, 2000, the Public Disclosure Commission received a complaint filed by Mr. Jami Lund of the Evergreen Freedom Foundation. The complaint alleged a violation of RCW 42.17.680 by the Kent School District.

II.

SCOPE

- 2.1 Staff reviewed complaint letter received January 27, 2000.
- 2.2 Staff reviewed the response received February 22, 2000 from Michael B. Harrington, General Counsel for the Kent School District.

III.

LAW

- 3.1 RCW 42.17.680 states in part:

- (3) **No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political**

**contributions except upon the written request of the employee. . . .
The request is valid for no more than twelve months from the date it
is made by the employee.**

- (4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.**

IV.

FINDINGS

- 4.1 On January 27, 2000, the Public Disclosure Commission received a complaint from Mr. Jami Lund of the Evergreen Freedom Foundation alleging violation of RCW 42.17.680(4) by the Kent School District. **(Exhibit 1)** Lund's complaint alleges that he visited the Kent School District's Payroll Office (District) on January 25, 2000 and requested to see the payroll deduction authorizations for WEA-PAC contributions. Lund was told by Lynn Stellick, District staff member, that the completed authorization forms were not kept by the District, but rather by the Kent Education Association.
- 4.2 A response was received on February 22, 2000 from Michael B. Harrington, General Counsel for the Kent School District. **(Exhibit 2)** The District admits that "when Mr. Lund came to the District office, copies of the enrollment forms that he could examine were not available. We are aware of our duty to have these forms and were actively in the process of receiving them from the Kent Education Association." However, the District's response also includes their belief that advance notice must be given by members of the public who wish to view the enrollment forms. The forms contain personal employee information, such as social security numbers, which the District is obligated to redact before public disclosure. In this case, Harrington asserts that Lund announced his visit by an e-mail sent approximately one hour before his arrival. The e-mail was sent to Harrington who was in a meeting that afternoon and, consequently, was not read. The District feels that one hour's notice is insufficient time to make the enrollment forms ready for public inspection.
- 4.3 The District's response concludes with "[T]he District currently has the information requested by the Evergreen Freedom Foundation and is certainly willing to share it." **(Exhibit 2)**

Kent School District
PDC Case Number 00-877

Respectfully submitted this 26th day of May, 2000.

Lori Anderson
Political Finance Specialist

EXHIBITS LIST

- Exhibit 1** Complaint letter received January 27, 2000.
- Exhibit 2** Response letter received February 18, 2000, from Michael B. Harrington,
General Counsel, Kent School District.